

## **Remarks**

Claims 1-13 are pending. Claim 1 has been amended to recite, inter alia, a system wherein at least one of the plurality of supervisory terminals is a local terminal configured to conduct supervisory activities of the checkout station; [and a controller that] enable[s] communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals including the local terminal.

Claims 14-21 have previously been withdrawn.

Claims 22-23 are new, and each recite at least one shared terminal configured to conduct supervisory activities of at least two of the plurality of checkout stations.

### **Status of the Claims**

Claim 1 is rejected under 35 U.S.C. § 102, second paragraph, as being anticipated by UK Patent Application No. 2,253,288 to Burke (hereinafter “Burke”).

Claims 1-8 and 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,494,136 to Humble (hereinafter “Humble”) in view U.S. Patent No. 6,459,938 to Ito (hereinafter “Ito”) or Burke.

Claims 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Ito or Burke in further view of U.S. Patent No. 6,629,019 to Legge et al (hereinafter “Legge”).

Claims 12-13 further rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Ito or Burke in further view of U.S. Patent No. 6,453,689 to Wada (hereinafter “Wada”).)

Claim 1 Rejected Under 35 U.S.C. 102(b) over Burke

Burke discloses a system for recording and controlling the movements of perishable goods to help prevent spoilage. Burke provides a data entry terminal 3 to record arrival of perishable goods as well as other information, wherein the data is conducted to a central processor 4. Burke further provides a (single) supervisory terminal 6 located in a managers office for entry of price and commission rate of the perishable goods into the central processor. Multiple sales terminals 7, 8, remote from the perishable goods and the supervisory terminal, are provided for entry of incoming sales orders and allocation of goods. The allocation of goods are conveyed to a dispatch terminal 9 to instruct loading the perishable goods in accordance with the allocation.

Burke does *not* disclose every element of Applicants’ claim 1, which is directed to, inter alia, a **checkout station** configured for self-checkout by customers of items for purchase; **a plurality of supervisory terminals** ... that configure **the plurality of supervisory terminals to conduct supervisory activities administering operation of the checkout station**, ... a controller operatively coupling the plurality of supervisory terminals to the checkout station... **the controller to enable supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals** and to enable communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals including the local terminal.

As Burke does not disclose all of the elements Applicants’ claim 1, it does not anticipate Applicants’ invention under §102. At the outset, The Examiner has significantly mischaracterized Burke. First, the Examiner characterizes “sales terminals 7, 8” as “self-checkout stations.” No goods, however, are being scanned or ‘checked’ at the sales terminals. The goods in Burke enter and exit the facility at a completely different location than the sales

terminals, namely unloading bay 1 and dispatch area 10. In contrast, the term self-checkout is well understood in the art to be a station wherein a customer can self scan (or otherwise recognize) items for purchase, a meaning that clearly does not include manual entry of sales orders into a terminal without the goods present. Thus, **Burke does not disclose a self-checkout station**. As there are no self-checkout or item for purchase conducted at the sales terminals, this element is not present. In contrast, Applicants' claim 1 is directed to a "checkout station" configured for "self-checkout by customers of items for purchase."

Second, the Examiner cites Figure 2 of Burke for disclosing a "plurality of supervisory terminals 6, 6". Figure 2, however, or the rest of the disclosure of Burke for that matter, does **not** show a plurality of supervisory terminals. On its face, this is plainly obvious. Despite the Examiner's assertion of "6, 6" being present in Figure 2, not even a single numeral "6" is actually depicted. Further, as described in Burke's specification, Figure 2 merely discloses a system having "a common central processing unit" (i.e., a network) as opposed to each central processing unit station having its own processing unit. The peripheral stations 21, 22 and 23 are "of the same general kinds as shown in Figure 1," that is to say, the same stations in Figure 1. See Burke, page 4 lines 11-19. Thus, as figure 1 only includes a single supervisory terminal, Figure 2 similarly only includes a single supervisory terminal. It is concluded that **Burke does not disclose a plurality of supervisory terminals** as in Applicants' claim 1.

More significantly, there are no supervisory activities administered on the sales terminals by the supervisory terminals. The Examiner contends that Burke discloses a supervisory terminal "programmed to conduct supervisory activities to administer the operation of the [sales terminals.]" However, Burke's supervisory terminal is not able to control or perform any activity on the sales terminals. In fact, the supervisory terminal is given the title 'supervisory' mainly because it is to be located in a supervisor's office- it has no direct supervisory conduct on any peripheral station of the method. Its only stated function is to allow a supervisor to set price points and commission rates in the central processing unit 4. See Burke page 2, lines 25-32. In contrast, Applicants' supervisory terminals actually affect the function of the checkout stations, for example, by clearing a violation registered on the checkout station. Thus, **Burke does not suggest any element involving supervisory terminals [conducting] supervisory activities administering operation of the checkout station** as in Applicants' claim 1 or, for that matter,

where the controller [enables] supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals.

As stated in MPEP §2131:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference....

The identical invention must be shown in as complete detail as is contained in the ... claim.

Verdigaal Brothers v. Union Oil Company of California, 814 F.2d 628, 631 (Fed. Cir. 1987) and Richardson v. Suzuki Motor Company, 868 F.2d 1226, 1236, (Fed. Cir. 1989). It is respectfully submitted that the Burke disclosure does not teach or suggest a self checkout system having “a checkout station” *or* “a plurality of supervisory terminals” *or* wherein the plurality of supervisory terminals “conduct supervisory activities” on the checkout station; *or* wherein “the controller [enables] supervisory activity administration of the checkout station by multiple ones of the plurality of supervisory terminals.”

Therefore, as multiple elements of Applicants’ claim 1 are not disclosed in Burke, claim 1 is not anticipated and therefore allowable.

Claims 1-8, 12-13 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view Ito or Burke

#### Humble

Humble discloses a self-checkout system wherein several self-checkout stations use a single payment station (cited as the “supervisory terminal”.) The several self-checkout stations are linked to the single payment station by a central processor. An attendant at the payment station can input missing codes (such as missing price and/or identity information) at the payment station, which is then communicated to the checkout station

Humble is cited by the Examiner for a checkout station configured for self-checkout by customers of items for purchase and a supervisory terminal configured to conduct supervisory activities to administer the operation of the checkout station. . The Examiner cites the inputting of missing codes into the system as “supervisory activities”. The Examiner, however, admits that Humble does not teach a plurality of supervisory terminals or a controller operatively coupling a plurality of supervisory terminals to the checkout station as claimed in Applicants’ claim 1.

Additionally, Humble does not disclose a system wherein “at least one of the plurality of supervisory terminals is a local terminal configured to conduct supervisory activities of the checkout station” and wherein the controller enables “communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals including the local terminal” as now claimed in Applicants’ amended claim 1.

Essentially, Humble **does not disclose a local supervisory terminal**. The only supervisory terminal disclosed is the remote payment station. There is no station attached to or next to the checkout station. While Humble does disclose that the checkout station can be switched from self-checkout to cashier mode, Humble makes it clear that only one mode is used at any one time. This would necessarily mean that the checkout station is no longer a ‘self-checkout’ station during the cashier mode, and is not relevant to Applicants’ specific claim of a ‘self-checkout station’ when in this mode.

Further, Humble does not disclose “communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals **including the local terminal**.” The only type of data communication from the checkout station disclosed in Humble is a video input that provides images at a service terminal display located at the payment station. In response, the

attendant at the payment station can visually identify an item that is not properly scanning and enter the price information. Thus the sole communication from the self-checkout station via the controller- the video feed- is communicated to the payment station only. No communications are made anywhere else.

Therefore, Humble does not disclose (1) a controller operatively coupling a plurality of supervisory terminals to the checkout station (2) a local supervisory terminal or (3) communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals including the local terminal.

As further discussed below, Ito and Burke do not cure this deficiency. Therefore claim 1 is not obvious over the cited references and is allowable. As claims 2-13, and 22-23 depend therefrom, they are likewise allowable.

The combination of Humble and Burke does not disclose all of the elements of Applicants' claim 1.

Burke, as stated above does not disclose a plurality of supervisory terminals, which is in itself enough to overcome the obviousness rejection based on Humble and Burke. Additionally, however, Burke does not disclose a local supervisory terminal (i.e. one attached or next to the sales terminal.) Indeed, Burke's supervisory terminal is expressly located in the supervisors office, which is remote from where the sales terminals are located. Further, Burke does not disclose a controller that enables communication of requests from the checkout station to multiple ones of a plurality of supervisory terminals including the local terminal. On the contrary, *no* communications of requests for assistance or violation examination are sent from the sales terminals to the supervisory terminal.

A *prima facie* case of obviousness cannot be demonstrated unless the prior art references teach or suggest all the claimed invention's claim limitations. (MPEP §2143.03). As Humble and Burke, alone or in combination, do not teach or suggest all of Applicants' claim 1 elements, namely a plurality of supervisory terminals, a local supervisory terminal or communication of requests from the checkout station to multiple ones of a plurality of supervisory terminals, the combination of Humble and Burke do not render Applicants' claim obvious. Therefore claim 1 is allowable. As claims 2-13, and 22-23 depend therefrom, they are likewise allowable.

The combination of Humble and Ito does not disclose all of the elements of Applicants' claim 1.

Ito, like Burke, does not provide the differences between Humble and the Applicants' invention, and, accordingly, the rejection of claim 1 in light of Humble and Ito is improper. In relying on the Ito reference, the Examiner has suggested that the luminaries 33 controlled by Ito's dimmer terminals 32 via controller 30 are somehow analogous to the self-checkouts system referenced in the claims of the present application. This is an improper recitation on a number of levels. Ito essentially discloses light bulbs 33 that can be turned on or off, or have its intensity increased or decreased, by light switches 31. When light switch 31 is actuated, controller 30 transmits operation information pertaining to the switch to dimmer terminal 32 encoding specific "addresses", such that the dimmer terminal illuminates or shuts off the light switches in response to the operation information. This is stated quite clearly between column 19, line 34 to column 20, line 32 of Ito.

Nonetheless, the Examiner cites Ito for disclosing "a controller configured to enable administration of the controlled devices by multiple ones of the supervisory terminal." This,

however, is against the plain language of Ito. Even assuming for the moment, as the Examiner asserts, that the dimmer terminals 32 are “supervisory terminal” and the light bulbs 33 are the supervised objects, **Ito never discloses devices controlled by multiple ones of the supervisory terminals.** In fact, it discloses much the reverse: multiple devices controlled by a single supervisory terminal. For examiner, when Ito describes Figure 12- the Figure cited by the Examiner to support his proposition- Ito discloses a “plurality of luminaries 33 in shunt with a single control terminal 32. Such a configuration enables collective control of the plurality of illumination loads through use of a single set of switches Sa to Sc but disables individual control of brightness of the illumination loads.” See Ito, column 5, lines 4-11 (emphasis added.)

Additionally, **there are no “communication of requests from a checkout station to multiple ones of a plurality of supervisory terminals including the local terminal”** as claimed in amended claim 1. For such an event to occur in Ito, the light bulbs 33 would have to send communication of requests to multiple dimmer terminals 32 via controller 30. Such communication is not disclosed in Ito, as would be readily obvious- a luminary is not a communicator of requests or data.

This relates to the Examiner’s odd insistence of calling dimmer terminal 32 a “supervisory terminal” equivalent to Applicants’ supervisory terminals that can override and perform supervisory activities on self checkout stations. The dimmer terminal 32 is part of the circuitry of Ito’s lighting system. In a typical arrangement, the dimmer terminal would be located in an interior of a wall. One reason the Examiner stated the Ito is analogous to Humble is that both “have need to have plural control units... where control over the subservient devices is necessary at different locations depending on where the supervisor is presently located in that



environment.” A supervisor, whoever that may be, would have little access to an interior of a wall, making such supervision impossible without significant hardship. How a dimmer terminal could be a supervisory terminal equivalent when it is not even accessible is not explained. Therefore, Ito does not provide supervisory terminal equivalents.

Moreover, even if the dimmer switch could somehow be accessed, it provides no ‘supervisory activity administration’ on the light bulb. Instead it simply illuminates or de-illuminates- no overriding administrative activities are performed. In fact, since the light bulb can perform no function on its own without input from the dimmer switch, Applicants fail to see what light bulb activity the dimmer switch could actually supervise. Accordingly, **Ito’s control terminal 32 simply does not provide for “supervisory activities administering operation of the checkout station”** as recited by claim 1 and would not teach or suggest a supervisory terminal in accordance with the invention recited by the claims of the present application.

For at least the reasons cited above, the rejection of claim 1 under § 103 in light of Humble and Ito is not supported and it is respectfully requested that the rejection be withdrawn and the claims allowed. As claims 2-13 and 22-23 depend therefrom, they are likewise allowable.

**There is no motivation to combine Humble and Ito**

The Examiner asserts that “It would appear obvious to modify the system in Humble to include the controller 30 and plural supervisory terminals of Ito et al. because the motivation for this is set forth in Humble in col. 2 to prevent bottlenecking of the system and thus the plural supervisory system of Ito et al. would do exactly that by allowing the other stations 28 to pick up the load at a point where the one station worker 28 becomes bottlenecked.” Contrary to the

Office's assertion, column 2 of Humble does not provide a motivation to combine Humble with Ito to provide for the supervisory control system as recited in the claims of the present application. **Indeed, the cited column appears to suggest an opposite approach** – i.e., that there be a single supervisory terminal connected to multiple self-checkout systems. The cited section of Humble appears to suggest little more than that the number of self-checkout systems attached to the supervisory terminal should be limited (e.g., to three) to solve bottlenecking issues. Aside from the bottlenecking issue, however, Humble would ideally have as few supervisory terminals per store as possible.

As stated in, *In re Geiger*, 815 F.2d 686, 2 U.S.P.Q.2d 1276 (Fed. Cir. 1987), “obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, *absent some teaching, suggestion, or incentive supporting combination*” (emphasis added). Put another way, “the mere fact that disclosures or teachings of the prior art can be retrospectively combined for the purpose of evaluating obviousness/nonobviousness issue does not make the combination set forth in the invention obvious, *unless the art also suggested the desirability of the combination ....*” *Rite-Hite Corp. v Kelly Co.*, 629 F.Supp. 1042, 231 U.S.P.Q. 161, *aff'd* 819 F.2d 1120, 2 U.S.P.Q.2d 1915 (E.D. Wis. 1986) (emphasis added). Similarly, the court in, *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991), stated that “both the suggestion [to make the claimed apparatus] and the reasonable expectation of success must be found in the prior art, not in the Applicants’ disclosure”. The references cited by the Examiner fail to suggest the combination relied upon by the Examiner and, as such, these references may not be combined to form the basis of a rejection under 35 U.S.C. §103(a). Instead, it is respectfully suggested that the combination teaches away from or, at best, is irrelevant to the issue of coupling multiple supervisory terminals to self-checkout station. It is

further submitted that the Examiner's combination of Humble and Ito appears to be based on impermissible hindsight reasoning. The application of such hindsight reasoning when combining references is not permissible. See, generally, MPEP § 2142.

For at least the additional reason that the Examiner has not shown a proper motivation to combine Humble and Ito, it is respectfully requested that the rejection of claim 1 be withdraw.

Ito Is Not Analogous Prior Art and Is Not A Proper Reference On Which To Base a § 103

Rejection

The reasons set forth by the Examiner as to Ito and Humble being analogous art are insufficient. Generally speaking, Humble, like the present application, relates to the field of self-checkout systems. Ito, on the other hand, relates to an entirely different field – i.e., the control of illumination systems. These two fields bear no reasonable relationship to each other and are not analogous. The Examiner asserts Humble and Ito are analogous because the both “have need to have plural control units because situations developed in both environments where control over the subservient devices is necessary at different locations depending on where the supervisor is presently located in that environment.” Even assuming that the Examiner intended the supervisory terminal in Ito to be the light switch 31 (and not inaccessible dimmer terminal 32), this reasoning is highly flawed. First, in his reasoning, the Examiner has renamed the ‘supervisory terminal’ as a ‘control unit’. This is incorrect. The Examiner should have stated that both “have need to have plural *supervisory terminals* because...” This phraseology makes clear the inaccuracy of the Examiner calling a light switch a supervisory terminal. While it may be convenient to actuate a light switch of a plurality of light switches that is closest to you, this is

not a supervisory administration. A light switch does not conduct supervisory activities on a light bulb- it is the *only* way to operate the light bulb. Indeed, if there was some action that needed supervision in a light bulb, a user would, for example, directly change the light bulb, fix the wiring or call an electrician. Continually actuating the light switch would serve no further or supervisory purpose.

Second, the basic premise, that "Humble... needs to have plural control units..." is fundamentally flawed, since Humble, as the Examiner admitted, *only discloses a single supervisory (control) unit*. How Humble has a need for plural control units when the purpose of the Humble disclosure is, to the extent possible, eliminate plural control units, is not fully understood. For all of the above reasons, It would not be reasonably pertinent to a problem encountered in Humble.

It is well settled that to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art. MPEP § 2141.01(a) makes this clear and states, *inter alia*:

"In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986); *In re Clay*, 966 F.2d 656, 659, 23 USPQ2d 1058, 1060-61 (Fed. Cir. 1992) ("A reference is reasonably pertinent if, even though it may be in a different field from that of the inventor's endeavor, it is one which, because of the matter with which it deals, logically would have commended itself to an inventor's attention in considering his problem."); \* *Wang Laboratories Inc. v. Toshiba Corp.*, 993 F.2d 858, 26 USPQ2d 1767 (Fed. Cir. 1993)>; and *State Contracting & Eng'g Corp. v. Condotte America, Inc.*, 346 F.3d 1057, 1069, 68 USPQ2d 1481, 1490 (Fed. Cir. 2003) (where the general scope of a reference is outside the pertinent field of endeavor, the reference may be considered analogous art if subject matter disclosed therein is relevant to the particular problem with which the inventor is involved)<.

MPEP 2141.01(a) makes clear that the Office, in combining the Ito and Humble references, has the burden of showing that the combined references are analogous prior art. As explained above, the Examiner has not sufficiently met this burden, and therefore these Humble and Ito are non-analogous references.

For at least the foregoing reasons, the combination of Ito and Humble is improper and it is respectfully requested that the rejection of claims in light of this combination be withdrawn and the claims allowed.

#### Regarding Claim 2

Claim 2 depends on claim 1, where the checkout station in claim 1 is one of a plurality of checkout stations and the controller is one of a plurality of controllers, each associated with a plurality of checkout stations. For at least the reasons specified with respect to claim 1, claim 2 should be allowed as depending on independent claim 1. As an additional matter, use of multiple controllers is not a mere ‘redundancy’, as dismissed by the Examiner, but a feature that carries with it functional advantages, such as a system wherein a malfunction in a single controller will only effect a single self checkout station as opposed to every self checkout station.

As a side note, the Examiner here and repeatedly hereafter refers to a plurality of checkout stations disclosed by Humble as “32,32”. Since no number “32” is present in Humble, either in the specifications or in the Figures, it is assumed the Examiner meant to refer to checkout stations ‘24’.

#### Regarding Claim 3

For at least the reasons specified with respect to claim 1, claim 2 should be allowed as depending on independent claim 1.

#### Regarding Claims 4-5

Claims 4 depends on claim 1 and is directed to the checkout station of claim 1 wherein one supervisory terminal is operatively coupled to the controller by a wireless data network and the controller and the checkout station are operatively coupled to each other by a wired network. Claim 5 depends from claim 4. The Examiner asserts that this element is disclosed in Humble by “a wireless connection at system element 74 for comminuting a financial transaction with a credit card....” In other words, the Examiner equivocates payment for goods with a credit card to a supervisory station that can perform supervisory activity administration on a checkout station. This is an improper assertion.

Claim 4 must be read together with claim 1. Essentially, Applicants’ invention lets a plurality of supervisory stations perform administrative actions on a checkout station, providing great flexibility in an attendant’s use and location. At least one of the supervisory stations is a local station, but at least one other is remote station, and one of the remote station can be a unit that communicates wirelessly, thereby not necessarily being stationary. The great variance of location, i.e., a local terminal station, remote station and/or wireless station, providing improved access and flexibility by an attendant, is something simply not disclosed or suggested in Humble. Thus, **one skilled in the art, after reading Humble, Ito or Burke, would find no teaching or suggestion of including a wireless supervisory terminal.** The fact that a Humble accepts payments by credit card does not come close to providing this suggestion. Indeed, payment by credit card has been so prevalent in commerce for such a long period of time that if this truly made Applicants’ invention obvious, Applicants’ invention would have existed long, long ago. As stated above “obviousness cannot be established by combining teachings of the prior art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting combination.” *In re Geiger*, 815 F.2d 686, 2 U.S.P.Q.2d 1276 (Fed. Cir. 1987). As no teaching, suggestion or incentive is provided in the cited references, claims 4 and 5 would not be obvious over the cited references.

Further, for at least the reasons specified with respect to claim 1, claims 4-5 should be allowed as depending on independent claim 1 either directly or through intervening claims.

As an additional matter, Applicants are unsure what the Examiner's recitation of Ito's "members 12,12" is supposed to refer to, as '12' in Ito is an "Individual Address Setting Section" (see Figure 1) and the Examiner has not previously used the term 'members' in relation to Ito.

#### Regarding Claims 6-8

Claims 6-8, which further claim the supervisory terminal of claim 4 as a battery run mobile unit (claim 6) of pocketable size (claim 7) which can vibrate (claim 8,) were rejected by the Examiner under 'Official Notice' of lap top computers and vibrating pagers. The Examiner asserts, if Applicants understands it correctly, that battery run lap top computers and vibrator signals exist, therefore claims of a mobile supervisory unit are obvious. Applicants reply, as with claims 4-5, that the mere fact that lap top computers exist does not make the use of a mobile supervisory unit as claimed in claim 1 obvious absent some teaching or suggestion in Humble to modify the supervisory terminal. Since the supervisory terminal is also a cashier station with corresponding features, and mobility, pocketability or vibratability of such a cashier station is highly difficult, **Humble certainly does not suggest use of a mobile supervisory terminal.** Applicants are not simply claiming an object that can vibrate (for example)- Applicants are claiming a mobile supervisory unit that can administer supervisory functions on a checkout station wherein the mobile unit can vibrate when assistance is needed. As no teaching, suggestion or incentive is provided in the cited references, claims 6-8 would not be obvious over the cited references.

Further, **neither Humble, Ito nor Burke disclose a mobile supervisory terminal**, let alone a mobile supervisory terminal that conducts supervisory activities administering operation of a checkout station via a controller. That fact that pagers and lap top computers exist does not correct this deficiency. As stated above, A *prima facie* case of obviousness cannot be demonstrated unless the prior art references teach or suggest all the claimed invention's claim limitations. (MPEP §2143.03). Therefore, as every element of Applicants' claims 6-8 is not present in any individual or combination of the cited references, claims 6-8 are not obvious over the cited references.

Further, for at least the reasons specified with respect to claim 1, claims 6-8 should be allowed as depending on independent claim 1 either directly or through intervening claims.

#### Regarding Claims 12-13

Claim 12 claims two of the plurality of supervisory terminals, wherein, *inter alia*, the supervisory terminals each can conduct supervisory activities consisting of a first or second subset of supervisory functions, wherein the two subsets are different. Claim 13 depends from claim 12. The Examiner objected to use of the word 'can' in claim 12. Accordingly, Applicants have amended claim 12 to remove use of the word 'can'.

As presently claimed, neither Humble, Burke or Ito, alone or in combination, disclose or suggest a plurality of supervisory stations where at least two supervisory stations perform different subsets of supervisory activities. Therefore claims 12-13 are allowable over the cited references. Further, for at least the reasons specified with respect to claim 1, claims 12-13 should be allowed as depending on independent claim 1 either directly or through intervening claims.

#### Claims 9-11 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view Ito or Burke in further view of Legge.

Claim 9 further claims a card reader configured to clear a weight violation at the checkout station in response to a reading of an authorization card. The card can further be a transponder card (claim 10). Legge discloses a transponder card that is used in arcade video games to indicate, for example, a credit or debit. Legge does not disclose using a transponder card for overriding a weight violation. Nonetheless, the Examiner asserts that it would be obvious program a transponder card to eliminate a weight violation and use it with the systems of Humble, Ito or Burke.

Humble, Ito or Burke, however, individually or in combination, **do not teach or suggest using a supervisory station to clear a weight violation**. Neither, as stated above, does Legge. Applicants fail to see how it would be obvious to use a transponder card or other device to clear weight violations if the clearance of weight violations was never suggested by any of the cited



references in the first place. As stated above, a *prima facie* case of obviousness cannot be demonstrated unless the prior art references teach or suggest all the claimed invention's claim limitations. (MPEP §2143.03). As there is no disclosure or suggestion to clear a weight violation from a supervisory terminal, one skilled in the art would not think to combine Humble, Ito or Burke with the transponder card from Legge to achieve such a purpose. Thus, claims 9-11 are not obvious over the cited references.

Further, for at least the reasons specified with respect to claim 1, claims 9-11 should be allowed as depending on independent claim 1 either directly or through intervening claims.

Claims 12-13 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view Ito or Burke in further view of Wada.

Claims 12-13 are discussed above. Wada discloses an apparatus for controlling an air-conditioning unit. The Examinee cites Wada for showing individual controllers having subsets of different functions. Therefore, the Examiner finds claims 12 to 13 obvious. Key among the Examiner's reasoning, however, is that Humble, Ito and/or Burke disclose a plurality of supervisory stations. However, as stated above, Humble, Ito or Burke, individually or in combination, do not teach or suggest a plurality of supervisory stations. Thus, there would be no motivation to combine the cited references with Wada to have multiple supervisory stations that can perform different subsets of supervision since multiple supervisory station are not present in the first place. As stated above, A *prima facie* case of obviousness cannot be demonstrated unless the prior art references teach or suggest all the claimed invention's claim limitations. (MPEP §2143.03). As there is no disclosure or suggestion to use multiple supervisory terminals, one skilled in the art would not think to combine Humble, Ito or Burke with different controllers of Wada to achieve such a purpose. Thus, claims 12-13 are not obvious over the cited references.

Further, for at least the reasons specified with respect to claim 1, claims 12-13 should be allowed as depending on independent claim 1 either directly or through intervening claims.

## **Conclusions**

Therefore, for at least the reasons cited above, claims 1-13 are patentable over the cited references. As new claims 22-23 depend from claim 1, they are likewise believed patentable.

Pending claims 1-13 and 22-23 are believed to be in condition for allowance. Applicants respectfully request that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,



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